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**HIGH COURT OF AMERICAN SAMOA**  
**LAND AND TITLES DIVISION**

ROBIN KNEUBUHL ROUSH, FRANCES K.  
OPELLE, BENJAMIN "BEN" KNEUBUHL, JR.<sup>1</sup>

Consolidated Cases Nos.:  
LT 20-2023  
CA 28-2013

PLAINTIFFS

vs

DOUGLAS CRANE "MIKE" KNEUBUHL,  
DOUGLAS KNEUBUHL, JR., CARRIE SUE  
KNEUBUHL LAVIGNE ECKERT, AND KELLY  
KNEUBUHL NADINE FULTS,

**PLAINTIFFS ROBIN KNEUBUHL AND  
KAREN KNEUBUHL TAKEI'S  
MOTION/MEMORANDUM IN OBJECTION  
TO NEW TRIAL**

DEFENDANTS

FRANCES K. OPELLE

PLAINTIFF

VS

DOUGLAS CRANE "MIKE" KNEUBUHL,  
DOUGLAS KNEUBUHL, JR., CARRIE SUE  
KNEUBUHL LAVIGNE ECKERT AND KELLY  
KNEUBUHL NADINE FULTS, AND MARK  
KNEUBUHL, DEFENDANTS

Motion/Memo in Objection to New Trial

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<sup>1</sup> Karen has filed a request to substitute for her father Benjamin "Ben" Kneubuhl, dec'd, as his executor.

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2 Plaintiff Movants respectfully object to a new trial on the 3 issues which they have  
3 elsewhere in a prior motion requested to be severed.<sup>2</sup> In addition to the bases for objection  
4 mentioned therein, plaintiff movants respectfully represent that a new trial is not warranted, there  
5 being:

6 (1) no new grounds of mistake, newly discovered evidence, misconduct, and  
7 further, if any had existed, it has not been shown that such would: (1) change the result (2) was  
8 discovered after trial and (3) could not have been discovered before the trial by due diligence, (4)  
9 is material and (5) is not merely cumulative or impeaching. *Patrick v. Sedwick*, 413 P2d 169  
10 (Alaska, 1966).

11  
12 In the alternative, it appears that Plaintiff Opelle is asking for a judgment as a matter of  
13 law under the Rule 50(a) (earlier known as a directed verdict). The grounds asserted in their  
14 Status Hearing Position Paper for March 29, 2018 for a judgment that rescinds the disputed  
15 transfers are that the transfers are invalid *ab initio* since the transferees were not blood qualified  
16 to own the land under A.S.C.A. 37.0204.<sup>3</sup>

17  
18 While this theory correctly recites the statute, it is inapposite in this case, since what was  
19 then transferred and is now disputed was *interests* in the trust and not the land itself. The court  
20 has found interests transferable, subject only to a right of first refusal. Family members have  
21 historically rearranged acreage at Olo, Taputimu for their individual and exclusive use, both with  
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26 <sup>2</sup> These are forfeiture, life estates and who is a beneficiary, all pursuant to the 1960 Lena P.  
Kneubuhl Land Trust

27 <sup>3</sup> This could also be argued in a Summary Judgment motion as the court has offered.

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2 and without consideration. (see ruling in *Douglas C. Kneubuhl v. B.F. Kneubuhl*, et al, Land and  
3 Titles 012-80, "Order Granting Partial Summary Judgment," Miyamoto, J., March 24, 1982, p.  
4 6-7 and *Opelle v. Kneubuhl Trust et al.*, "Opinion and Order," CA 50-04, Richmond, J., Sept. 13,  
5 2006), p.6.

6  
7 Respectfully Submitted,

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9 \_\_\_\_\_  
10 Robin Kneubuhl, March 28, 2018

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Karen Kneubuhl Takei, March 29, 2018

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2 Certification of Service:

3 I/we certify by my/our signature hereinbelow under penalty of perjury that I/we  
4 have delivered the original of this pleading to the High Court of American Samoa, by hand, and  
5 a true and exact copy of the foregoing to all plaintiffs of record, by US Mail postage pre-paid,  
6 and by hand at the High Court of American Samoa to Counsel or to his box, for all defendants of  
7 record, Roy J.D. Hall, Esq., and to Mark Kneubuhl, defendant, pro se, also USPS postage  
8 prepaid, with an electronic facsimile in advance, as follows:

7 The High Court of American Samoa- **By Hand**  
8 Attn: Terry S. Fielding, Clerk of the Court  
9 Email: [clkocas@gmail.com](mailto:clkocas@gmail.com)  
10 PO Box 309, Pago Pago, American Samoa 96799

10 Frances Kneubuhl Opelle, Plaintiff  
11 Email: [robertjohnopelle@yahoo.com](mailto:robertjohnopelle@yahoo.com)  
12 25546 Spinnaker Dr., San Juan Capistrano, California 92675

12 Karen Kneubuhl Takei, Plaintiff  
13 [takeikaren@yahoo.com](mailto:takeikaren@yahoo.com)  
14 64-5272 Puanuanu Pl.  
15 Kamuela, Hawaii 96743

15 Roy J.D. Hall, Esq. Counsel for Defendants [except Mark Kneubuhl]: **By Hand**  
16 Hall and Associates  
17 PO Box 2506  
18 Pago Pago, American Samoa 96799

18 Mark Kneubuhl, Defendant:  
19 Email: [markkneubuhl@gmail.com](mailto:markkneubuhl@gmail.com)  
20 PO Box 3512, Pago Pago, American Samoa, 96799

21 The enclosed/attached is declared, under penalty of perjury, to be a true and correct  
22 original/copy of the foregoing pleading sent to the High Court of American Samoa at Pago Pago,  
23 American Samoa.

24  
25 Signed: \_\_\_\_\_ Date: \_\_\_\_\_

26 Robin Alexandra Kneubuhl, Plaintiff  
27  
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